

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: NATHAN CLAY GRUBB, Debtor.	Case No. 21-32913-KLP Chapter 11
---	---

**RESPONSE OF PRIMIS BANK TO THE UNITED STATES TRUSTEE'S
MOTION TO CONVERT OR DISMISS CASE**

NOW COMES, PRIMIS BANK ("Primis"), by counsel, and asserts the following in response to the Motion to Convert or Dismiss Cased filed by the United States Trustee:

- 1) Nathan Clay Grubb (the "Debtor") is the owner, in his individual name, of several commercial parcels of real estate located in the City of Hopewell, VA (the "Hopewell Property").
- 2) Primis is a secured creditor of the Debtor, and is secured by first and second deeds of trust against the Hopewell Property.
- 3) The Debtor filed this bankruptcy case on the eve of a foreclosure sale of the Hopewell Property scheduled by a substitute trustee appointed by Primis.
- 4) The United States Trustee has filed the associated Motion for cause, and specifically due to Debtor's "failure to maintain appropriate insurance" pursuant to 11 USC §1112(b)(4)(C).
- 5) The Debtor's failure to insure the Hopewell Property also places Primis at risk with respect to its collateral.
- 6) Primis supports dismissal of Debtor's case, and further asks that such dismissal be with prejudice against refiling for a period of 180 days.
- 7) 11 USC §109(c)(1) provides that an individual may not be a debtor under Title 11 where dismissal has occurred within the preceding 180 days "for willful failure to abide by orders of the court, or to appear before the court in proper prosecution of the case...."
- 8) By failing to properly insure the Hopewell Property as required by the United States Trustee and by the Code, the Debtor has failed to properly prosecute his bankruptcy case.
- 9) 11 USC §105(a) further authorizes this Court to issue any order that is necessary or appropriate to carry out the provisions of the Code.

Roy M. Terry, Jr., VSB No. 17764
The Terry Law, PLLC
2711 Buford Road, Ste. 170
North Chesterfield, VA 23235
Telephone: 804.370.2866
Email: roymterry@gmail.com
Counsel for Primis Bank

WHEREFORE, Primis Bank, by counsel, supports the Motion filed by the United States Trustee, and specifically requests the dismissal of Debtor's case with prejudice against Debtor's refiling for a period of 180 days.

Date: November 16, 2021

PRIMUS BANK
By Counsel:

/s/ Roy M. Terry, Jr.
Roy M. Terry, Jr., VSB No. 17764
The Terry Law, PLLC
2711 Buford Road, Ste. 170
North Chesterfield, VA 23235
Telephone: 804.370.2866
Email: roymterry@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of November, 2021, the foregoing Response was filed using the Court's ECF system which caused electronic notification of such filing to be served on all registered users of the ECF system that have requested such notification in this case including Debtor's counsel, the Office of the U.S. Trustee, and Chapter 11 Trustee.

/s/ Roy M. Terry, Jr.